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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Docket #97-217

701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202 434 7300
202 434 7400 fax
www.mintz.com

James A. Kirkland

Direct dial 202/434-7329
jakirkland@mintz.com

June 20, 2000

VIA HAND DELIVERY

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Room TWB-2047
Washington, DC 20554

Re: In the Matter of Petitions for Postponement of Initial Filing Window for Two-Way Multipoint Distribution Service And Instructional Television Fixed Service, Public Notice DA 00-1256

Dear Ms. Salas:

On June 19, 2000, John Primeau of the North American Catholic Educational Programming Foundation, Jose Luis Rodriguez of the Hispanic Information and Telecommunications Network, and the undersigned, on behalf of ITFS Spectrum Development Alliance and its members, met with Commissioner Gloria Tristani and Deborah Klein, legal advisor to Commissioner Tristani, to discuss the above-referenced petition. The parties indicated their support for a 90 to 120-day postponement of the initial filing window for two-way application in the ITFS and MMDS service, as reflected in comments filed in this docket on June 19, 2000. The parties provided Commissioner Tristani and Ms. Klein with copies of the attached talking points. In addition, in advance of the meeting, the attached email was forwarded to Ms. Klein and Adam Krinsky, legal advisor to Commissioner Tristani.

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Pursuant to section 1.1206(b)(2) of the Commission's rules, an original and one copy of this letter are being filed with the Office of the Secretary. A copy is also being served on Commissioner Tristani, Mr. Krinsky and Ms. Klein.

Sincerely,

A handwritten signature in black ink, appearing to read 'James A. Kirkland', with a long, sweeping horizontal stroke extending to the right.

James A. Kirkland

cc: Commissioner Gloria Tristani
Adam Krinsky
Deborah Klein

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TALKING POINTS FOR MEETING WITH COMMISSIONER GLORIA TRISTANI

- **ITFS Spectrum Development Alliance strongly supports a modest 90 - 120 day postponement of the July 3 through July 10 filing window** for Multipoint Distribution Service ("MDS") and Instructional Television Fixed Service ("ITFS") applications for two-way operations. The Alliance's founding members include the North American Catholic Educational Programming Foundation, the Hispanic Information & Telecommunications Network, and the Instructional Telecommunications Foundation, Inc., which hold ITFS licenses throughout the U.S.
- Chronology
 - ◇ March 23, 2000: July 3 - July 10 initial filing window announced
 - ◇ April 27, 2000: final instructions for engineering studies released by FCC
 - ◇ Early June, 2000: final working versions of engineering software are made available
 - ◇ Mid-June, 2000: experienced engineers no longer available to prepare additional two-way applications
- **Association of FCC consulting engineers has requested postponement of filing window due to inability to meet clients' needs within remaining time.**
- **Refusal to postpone filing window will disproportionately affect non-profit, educational entities who lack the resources to overcome limitations on software and engineering resources**
 - ◇ Parties able to file in this initial window will achieve significant advantages in their efforts to convert their facilities to two way operation, since subsequent filers will be required to engineer their two way facilities around these previously filed systems. Large commercial operators will be much more able to seize this advantage.
- Proceeding with the filing window under intense time pressure will increase disputes which could be avoided and needlessly consume Commission resources

Kirkland, James A.

From: Kirkland, James A.
Sent: Friday, June 16, 2000 4:48 PM
To: 'Adam Krinsky'; 'Deborah Klein'
Cc: 'Yvonne Hughes'; Casserly, James L.
Subject: Monday meeting

Adam and Deborah, thank you for your help in setting up a meeting between Commissioner Tristani and representatives of the ITFS Spectrum Development Alliance on Monday, June 19 at 1:30. The Alliance is a non-profit organization intended to provide Instructional Television Fixed Service licensees (which share the 2 GHz band with commercial MMDS operators) with the full complement of technical and business representation needed to convert successfully to digital two-way operation. Two way operation holds the potential for broad educational benefits, including wireless internet access and other interactive applications. The Alliance's members include nine non-profit educational organizations, which hold ITFS licenses enabling them to serve almost 100 communities throughout the United States.

Representing the Alliance will be Jose Luis Rodriguez of the Hispanic Information & Telecommunications Network, a founding member of the Alliance. The Alliance wishes to discuss its support for a 90-120 day extension of the initial nationwide filing window for two way applications in the ITFS and MMDS service. Parties able to file in this window will achieve significant advantages in their efforts to convert their facilities to two way operation, since subsequent filers will be required to engineer their two way facilities around these previously filed systems.

This extension is necessitated by developments which were not foreseen by the Commission when it announced the filing window. Because of limitations on available two way system engineering software, which was not fully functional until only recently, and limitations on available engineering resources to assist in engineering their two way facilities (all interested parties are vying for the same limited pool of professional engineers to submit applications), ITFS entities, including the Alliance's members, face great difficulties in completing the complex engineering studies required to be submitted in the filing window by the current deadline of July 10. As non-profits, these entities face far greater resource constraints than the large commercial operators, so adherence to the originally planned window deadline will disproportionately affect them.

We appreciate the opportunity to present our concerns to Commissioner Tristani. I would be happy to address any questions you may have in advance of the meeting. I can be reached at 202-434-7329.